

COLORADO



FIDUCIARY INCOME TAX FORMS AND INSTRUCTIONS FOR 2010

If you do not need a 2011 Fiduciary Income Tax Booklet mailed to you, check the box following the name and address area of Form 105.

1. First fill out the federal income tax return—U.S. Form 1041. You will need information from that form to complete the Colorado return.
2. If there is a balance of tax due with the return, make the check or money order payable to the Colorado Department of Revenue. If you know the Colorado account number of the estate or trust, please print it on the check or money order.
3. Mail your return to the Colorado Department of Revenue, Denver, Colorado 80261-0006.

TaxColorado.Com

Colorado Department of Revenue
Tax Forms, Information and E-Services

Colorado income tax returns are due on or before the fifteenth day of the fourth month following the close of the taxable year.

An automatic six-month filing extension is granted for all Colorado fiduciary income tax returns. However, an extension of time to file is not an extension of time to pay the tax. At least 90% of the net tax liability must be paid by the original due date of the return. If not, penalty and interest will be assessed. If at least 90% of the net tax liability is paid by the original due date of the return and the balance of the tax is paid when the return is filed by the end of the extension period, only interest will be assessed on the payment made after the original due date.

Use DR 0158F (below) to make whatever payment must be made by the original due date of the return to meet the 90% requirement.

If after the original due date of the return it is found that the amount that has been paid is insufficient to meet the 90%

requirement, additional payment should be submitted as soon as possible to reduce further accumulation of penalty and interest. Make such payment with DR 0158F.

A federal extension of time for filing will not be accepted for Colorado purposes.

Submit DR 0158F with payment to:

Colorado Department of Revenue
Denver, CO 80261-0008

DO NOT SUBMIT DR 0158F WITHOUT A PAYMENT.

Be sure to round your payment to the nearest dollar. The amount on the check and the amount entered on the payment voucher must be the same. This will help maintain accuracy in your tax account.



ONLINE TAX PAYMENTS

Online tax payment by electronic check or credit card is available! Visit www.Colorado.gov/paytax to get started. Please note that additional fees apply for use of this service. This fee is paid to a third party who provides these services for Colorado.gov. Tax payments remitted via eCheck, a direct debit from your checking account, will be subject to a \$1.00 administrative processing fee. The processing fee for credit card transactions is 2.25% of the tax payment made, plus an additional \$0.75 per transaction.



DETACH FORM
ON THIS LINE

▼ RETURN ONLY THE LOWER PORTION OF THIS PAGE WITH YOUR PAYMENT ▼

(0039)

DR 0158F (09/21/10)
COLORADO DEPARTMENT OF REVENUE
www.TaxColorado.com

2010 Payment Voucher for Automatic Colorado Extension for Estates or Trusts

70

Return this voucher with check or money order payable to the Colorado Department of Revenue, Denver, Colorado 80261-0008. Write the estate's or trust's Colorado account number or Federal Employer Identification Number and "2010 DR 0158F" on the check or money order. Do not send cash. File only if you are making a payment.

| | | | |
|-------------------------|-------|--|--|
| Name of Estate or Trust | | Colorado Account Number | |
| Name of Fiduciary | | Federal Employer Identification Number | |
| Address | | | |
| City | State | ZIP | |

IF NO PAYMENT IS DUE, DO NOT FILE THIS FORM.

The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.

Amount of Payment

Do not write in space below)

(08) \$.00

Instructions for 2010 Colorado Fiduciary Income Tax Return, Form 105

GENERAL INFORMATION

Account number. A Colorado account number is not assigned to a fiduciary account until the first tax return has been filed. If the account number has been assigned, please enter it on the return. This will speed processing of the return and the issuance of any refund.

Resident estates and trusts. A resident estate is defined as an estate of a deceased person which is administered in Colorado in any manner other than by an ancillary proceeding. A resident trust is defined as any trust which is administered in Colorado.

Nonresident estates and trusts. The Colorado tax of a nonresident estate or trust shall be what the tax would have been were it a resident estate or trust apportioned in the ratio of the Colorado taxable income to the modified federal taxable income. Use Schedule E to make the apportionment.

Requirement for filing. Every resident estate or trust or every nonresident estate or trust with Colorado source income must file a Colorado income tax return if it is required to file a federal income tax return or if it has a Colorado tax liability.

Information returns. Any estate or trust that is required to file a federal information return (such as the 5227 or 1041A) must also file Form 105 with Colorado. Complete the appropriate schedules to provide beneficiary and income information.

Return for decedent. If an executor or administrator is required to file a federal income tax return for a decedent who was a Colorado resident or a nonresident with Colorado source income, he/she is required to file a Colorado return for such decedent.

If a final determination of tax liability is requested for the estate or trust of a decedent, the request must be submitted on form DR 0253. Such request must be submitted under separate cover.

Estimated tax payments are not required for a fiduciary return. However, if you want to make estimated payments, use estimated tax Form 105EP to submit your payment.

Withholding for nonresident beneficiaries. Every fiduciary of an estate or trust, with a nonresident beneficiary who receives net income from real or tangible personal property within Colorado, shall withhold and pay taxes to the Department of Revenue out of the income to be distributed to such nonresident beneficiary. The amount to be withheld is 4.63 percent of the beneficiary's share of said income, computed without exemption, unless the nonresident beneficiary files a timely return of his total income from sources within Colorado, in which case the fiduciary shall withhold and pay only the amount of tax disclosed by the beneficiary's return. Use Form 104BEP on the inside back cover to make the payment. File Form 104BEP using the name, address and social security number of the beneficiary. Photocopy additional copies of Form 104BEP as needed. Payment is due at the time the income is distributed.

Period to be covered by the return. The return must cover the same tax period as is used for federal tax purposes.

Amending your return. A change or correction on your return must be reported on a corrected Form 105. Check the box at the top of the corrected Form 105. Include prior payments on line 15 of the corrected Form 105. Any adjustment made on a federal amended return must be reported and the Colorado income tax adjusted accordingly. Any adjustments made by the Internal Revenue Service must be reported to Colorado by attaching the revenue agent's report to the amended return. The statute of limitations for assessment will not run on any year for which such adjustments are not reported.

When and where to file. The Colorado fiduciary income tax return is due by the fifteenth day of the fourth month following the close of the taxable year. See DR 0158F for automatic extension of time for filing. Mail the return to: Colorado Department of Revenue, Denver, Colorado 80261-0006.

Additional information available. Forms, FYIs and other information are available through the Tax Information Index at www.TaxColorado.com or you can call (303) 238-SERV (7378) for information.

INSTRUCTIONS FOR PAGE 1, FORM 105

Line 1 Federal Taxable Income

Enter the federal taxable income of the estate or trust.

Line 2 Additions to Taxable Income

Enter any state income tax claimed as a deduction in computing federal taxable income.

Enter any interest income accrued or received during the taxable year on obligations of any state or subdivision thereof other than obligations of the State of Colorado or a subdivision thereof. The amount of interest entered shall be net of any bond premium amortization and any expenses required to be allocated to such interest income under provisions of the internal revenue code.

Enter any lump-sum pension or profit sharing distribution made to the estate or trust during the tax year to the extent such distribution was reported as income on federal Form 4972. The amount to be entered shall be net of any estate tax attributable to the distribution to the extent claimed as a deduction on Form 4972.

Enter any charitable contribution deduction claimed in 2010 for the donation of a conservation easement that qualified for the gross conservation easement credit.

Line 3 Subtractions From Taxable Income

Enter any refund of state income tax included in federal taxable income.

Enter to the extent included in federal gross taxable income of the estate or trust, any United States government interest income not subject to tax by the State of Colorado.

Enter to the extent included in federal gross taxable income or as added on line 2, but not more than \$20,000, the Colorado pension/annuity subtraction. The pension/annuity subtraction is allowed only to the extent the benefits were paid because of the death of the person who earned the pension/annuity income. See FYI Income 25 for details.

Enter to the extent included in federal taxable income, the amount of capital gain income earned from the sale of real or tangible personal property located in Colorado that was acquired on or after May 9, 1994 and held continuously for at least five years prior to the date of the transaction from which the capital gains arise. You must attach form DR 1316 to the return to provide information explaining how these assets qualify for the subtraction. See FYI Income 15 for details.

Enter to the extent included in federal gross taxable income payments or contributions made to a qualified state tuition program administered by CollegeInvest.

Line 4 Net Modifications

Line 4 is the difference between lines 2 and 3. If line 3 exceeds line 2, show the amount on line 4 in brackets.

Lines 5 and 6 Allocation of Modifications

Enter the amount of the net modifications allocated to the beneficiaries. These modifications should be allocated to the beneficiaries using the (beneficiary) "subtotal" percentage from Schedule B, page 2 of the return. Enter the balance of the modifications, if any, on line 6.

Where the allocation of the modifications as given in the instructions for line 5 would produce a result that is substantially inequitable, the fiduciary may, with the permission of the executive director, use such other method of allocation of all or a part of such modifications that will produce a fair and equitable result to both the fiduciary and the beneficiaries.

Line 7 Colorado Taxable Income

Enter the amount by which line 1 exceeds line 6 or the total of lines 1 and 6. This is the modified federal taxable income of the estate or trust subject to tax by Colorado.

Line 8 Tax

Enter the Colorado normal tax of the estate or trust, 4.63% of the amount on line 7. Nonresident estates and trusts enter the amount from line 8, Schedule E. This represents a reduction in the rate from the 1999 rate of 4.75% and the 1998 rate of 5%.

Line 9 Alternative Minimum Tax

Enter the Colorado alternative minimum tax, if any, from Schedule F. Ordinarily there will be a Colorado alternative minimum tax if there is a federal alternative minimum tax.

Line 11 Credits

Enter the credits, if any, from line 7, Schedule G.

Line 12 Gross Conservation Easement Credit

Enter the credit, if any, from line 8, Schedule G. You must include all required attachments when claiming this credit. See FYI Income 39 for details.

Line 15 Estimated Tax Payments and Credits

Enter any amount paid on behalf of the estate or trust with the

extension of time for filing payment voucher. Include amounts paid, if any, as estimated tax payments or as withholding on nonresident real estate sales.

Line 16 Colorado Income Tax Withheld

Enter any amount of Colorado income tax withholding on wages reported as taxable income by the estate.

Line 17 Refundable Alternative Fuel Vehicle Credit

Enter the credit, if any, from line 9, Schedule G. See FYI Income 9 for details.

Line 19, 20 and 21 Amount Owed

Line 21 is the balance of tax due, line 14 minus line 18. Include penalty and/or interest on lines 19 and 20 if paid after the original due date of the return.

If 90% or more of the net tax was paid by the original due date of the return (April 18 for calendar year returns) and the balance is paid when the return is filed by the last day of the extension period then only interest will be due. If less than 90% of the net tax was paid by the original due date of the return, penalty and interest will be due.

The penalty is 5% of the balance of tax due for the first month or fraction of a month of delinquency plus 1/2% for each additional month or fraction of a month of delinquency, not to exceed 12% in the aggregate.

Interest is computed at the rate of 3% per annum on any tax unpaid as of the due date of the return from the due date to the date of payment. (Interest on any tax due more than 30 days after billing will be assessed at 6%.)

Paid Preparer Authorization

If the fiduciary wants to allow the Colorado Department of Revenue to discuss the estate's or trust's 2010 tax return with the paid preparer who signed it, check the "Yes" box. This authorization applies only to the individual whose name appears in the "Person or Firm Preparing Return" area of the fiduciary's return. It does not apply to the firm, if any, shown in that section.

If the "Yes" box is checked, the fiduciary is authorizing the Colorado Department of Revenue to call the paid preparer to answer any questions that may arise during the processing of the estate's or trust's return. The fiduciary is also authorizing the paid preparer to:

- Give the Colorado Department of Revenue any information that is missing from the estate's or trust's return; and/or
- Call the Colorado Department of Revenue for information about the processing of the estate's or trust's return or the status of its refund or payment(s); and/or
- Respond to Colorado Department of Revenue notices that the fiduciary has shared with the preparer about math errors, offsets, and return preparation. The notices will not be sent to the preparer.

The fiduciary is not authorizing the paid preparer to receive any refund check, bind the estate or trust to anything (including any additional tax liability), or otherwise represent the estate or trust before the Colorado Department of Revenue. If the fiduciary wants to expand the paid preparer authorization, complete form DR 0145 Power of Attorney for Department Administered Tax Matters.

The authorization will automatically end no later than the due date (without regard to extensions) for filing the estate's or trust's 2011 tax return. If the fiduciary wants to revoke the authorization before it ends, send a written statement of revocation to the Colorado Department of Revenue Denver, CO 80261-0006. The statement of revocation must indicate that the authorization is revoked, list the tax return, and must be signed and dated by the fiduciary or the paid preparer.

INSTRUCTIONS FOR PAGE 2, FORM 105

Schedule A. Enter the names and addresses of the beneficiaries. Use lines (a) through (f) for resident beneficiaries and lines (g) through (l) for nonresident beneficiaries.

Schedule B. Schedule B is used to compute the fiduciary's percentage share and each beneficiary's percentage share of the federal distributable net income. These percentages are to be used in the division of the Colorado fiduciary adjustment in Schedule D.

Schedule C. Schedule C is used to determine what part of the nonresident beneficiaries' federal distributable net income is from Colorado sources. This percentage is to be used in allocating the net estate or trust income reportable to Colorado by nonresident beneficiaries in Schedule D.

Enter in column 1 the component parts of the federal distributable net income. Enter in column 2 that part of each item from column 1 that is from Colorado sources. Interest and dividend income will not be considered to be from Colorado sources except where they arise from assets that have acquired a business situs in Colorado. Pension and annuity income is not considered to be Colorado source income.

Expenses claimed on lines 10 through 15 of federal Form 1041 will be Colorado or non-Colorado expenses depending on the source of the income to which they are assigned by the fiduciary for federal income tax purposes.

Schedule D. Schedule D on page 2 is for the determination of the resident beneficiaries' share of the Colorado fiduciary adjustment, and the determination of the net estate or trust income reportable to Colorado by nonresident beneficiaries.

Enter in column 1 the social security number of each resident beneficiary.

Enter in column 2 for each resident beneficiary, the income reported on his/her federal individual income tax return as being from this estate or trust.

Enter in column 3 for each resident beneficiary, his/her percentage of the federal distributable net income as determined in Schedule B.

The Colorado fiduciary adjustment is divided among the beneficiaries and the fiduciary in proportion to their share of the federal distributable net income. Enter in column 4 each resident beneficiary's share of the Colorado fiduciary adjustment computed by applying the percentage in column 3 to the net adjustment as shown on line 4, page 1 of the return. If there is no federal distributable net income, each beneficiary's share of the Colorado fiduciary adjustment shall be in proportion to his share of the estate or trust income distributed or required to be distributed. Any balance of the Colorado fiduciary adjustment will be allocated to the fiduciary. Advise each beneficiary of his/her share of the Colorado fiduciary adjustment.

Enter in column 5 the social security number of each nonresident beneficiary.

Enter in column 6 for each nonresident beneficiary his/her share of the federal distributable net income of the estate or trust.

Enter in column 7 for each nonresident beneficiary, the percentage of federal distributable net income of the estate or trust determined to be from Colorado sources. This determination is made in Schedule C.

Enter in column 8 for each nonresident beneficiary, that part of his/her federal distributable net income from this estate or trust that is from Colorado sources determined by applying the percentage in column 7 to the income in column 6. If any other method is used to determine the beneficiary's income from Colorado sources, attach a comprehensive explanation.

Enter in column 9 for each nonresident beneficiary, 4.63 percent of his/her Colorado source income as listed in column 8. This is the amount to be withheld from the distribution to the beneficiary and paid to the State of Colorado as estimated tax in the name of the beneficiary on Form 104BEP. Round all amounts to the nearest dollar.

INSTRUCTIONS FOR PAGES 3 & 4, FORM 105

Schedule E. Schedule E is used to compute the tax of a part-year or nonresident estate or trust. Fiduciaries of part-year or nonresident estates or trusts shall compute a tentative tax as though the estate or trust were a resident estate or trust. The actual tax shall be the tentative tax apportioned in the ratio of the Colorado taxable income to the modified federal taxable income.

First complete lines 1 through 7 of Form 105 in accordance with the instructions given for full-year resident estates and trusts.

Then complete lines 1 through 3 of the federal column of Schedule E using the information from the federal Form 1041. Complete the federal column using the modifications from line 6 of Form 105.

On line 1 of Schedule E, Colorado column, enter the Colorado source income of the estate or trust. Interest, dividends, gains or losses from the sale of stocks and bonds, and pension and annuity income shall not be considered Colorado source income for a nonresident estate or trust.

Expenses shall follow the income to which they were assigned for federal income tax purposes by the fiduciary.

The distribution deduction and the exemption deduction shall be allowed on line 2 of the Colorado column in the ratio of the federal distributable net income from Colorado sources over the total federal distributable net income.

Include the state tax deduction addback modification relating to prior years and the state tax refund subtraction modification in the Colorado column in the ratio that the estate or trust income was Colorado source income for the year to which the deduction or the refund applies.

For example, if the fiduciary paid \$2,000 state tax during 2010 for 2009, and the 2009 estate or trust income was 40 percent Colorado source, include 40 percent or \$800 on line 4 of the Colorado column.

DO NOT include the state tax deduction add back modification relating to taxes paid for the current year on line 4 of either column.

Complete Schedule E in accordance with the instructions given on the form.

Schedule F. Schedule F is used to compute the alternative minimum tax. The Colorado alternative minimum tax is the amount by which 3.47 percent of the Colorado alternative minimum taxable income exceeds the normal tax. The Colorado alternative minimum taxable income is the federal alternative minimum taxable income minus the federal AMT exemption and plus or minus the modifications from line 6 of Form 105. Do not include modifications that duplicate adjustments made in arriving at federal alternative taxable income.

Resident estates and trusts complete only lines 1 through 4 of the federal column and lines 7 and 8. Line 1 may be a negative amount.

The alternative minimum tax for nonresident estates and trusts is apportioned in the ratio of Colorado-source modified federal alternative minimum taxable income to the total modified federal alternative minimum taxable income. Complete lines 1 through 4 of the federal column as though the estate or trust were a resident estate or trust.

In computing the amount to enter on line 1, Colorado column, the Colorado source total income and the Colorado source allowable deductions shall be as reported on lines 1 and 2 of Schedule E, Colorado column. The federal adjustments and tax preference items shall be allocated to Colorado to the extent they relate to a business being carried on in Colorado or to income from Colorado sources. The alternative tax net operating loss deduction shall be allowed to the extent it was from Colorado sources in the year in which it arose. The income distribution deduction, the estate tax deduction and the federal alternative minimum tax exemption deduction are allowed in the ratio of the Colorado source federal distributable net alternative minimum taxable income to the total federal distributable net alternative minimum taxable income.

Schedule G. Schedule G is used to compute any Fiduciary Tax Credits.

Credit for tax paid to another state. A resident estate or trust may claim credit for income tax paid to another state on income from sources in that state (including the District of Columbia and territories or possessions of the United States).

Income from intangible assets, such as interest, dividends and gains or losses from the sale or exchange of securities, unless from a business carried on in the other state, is not considered to be from sources in the other state. The credit must be claimed on the accrual basis and is limited to the Colorado tax attributable to such income.

If taxes were paid to two or more states, a separate credit must be computed for each state. The total credit for taxes paid to other states may not exceed the Colorado tax attributable to non-Colorado source income.

If income and/or losses are received from two or more other states:

1. Complete lines 1a through 1g for each state to which taxes are paid, and
2. Complete lines 1a through 1g (enter "Combined" as name of state) combining all tax paid, income, and losses from **all** other states to determine the maximum credit available.
3. The credit will be the lesser of the total credits computed for each state in step 1, or the credit limitation computed in step 2. Attach copies of **both** calculations to your return.

Attach a copy of the tax return filed with the other state(s) to your Colorado return.

Dual-Resident Trust Credit. A credit is available to a qualifying trust that is a resident trust in both Colorado and another state. Attach a copy of the tax return filed with the other state to your return. See FYI Income 63 for details.

Alternative Minimum Tax Credit. Estates and trusts are allowed a credit of 12 percent of the federal alternative minimum tax credit for the same taxable year. Part-year/nonresident estates and trusts must apportion this credit in the ratio that the modified federal alternative minimum taxable income that gave rise to the prior year federal alternative minimum tax was considered Colorado alternative minimum taxable income. For example, if a nonresident estate's 2009 federal alternative minimum taxable income was 30 percent Colorado source, its credit would be 30 percent of 12 percent of the 2010 federal credit allowed for 2009 minimum tax.

Enterprise Zone Credits. If the estate or trust owned a business located in a Colorado enterprise zone, it may be entitled to claim an enterprise zone credit. Information on the various enterprise zone credits is available in the Tax Information Index at www.TaxColorado.com

Other Credits. Enter on line 5 any other credit being claimed.

Visit the Department of Revenue Web site's Tax Information Index at www.TaxColorado.com for details on other credits available to estates and trusts.

Total Credits. Line 7 is the total of all credits claimed on lines 1 through 6. The total amount entered on lines 7 and 8 may not exceed the total tax liability on line 10, Form 105.

Gross Conservation Easement Credit. Attach a copy of form DR 1305 when claiming this credit. If you donated the easement during 2010 you must also attach form DR 1303 to your return and submit form DR 1304 in a separate mailing. See FYI Income 39 for details.

Alternative Fuel Vehicle Credit. Alternative fuel vehicle credits generated in 2010 are refundable (can exceed the net tax on line 14). Enter the alternative fuel vehicle credit generated in 2010 on line 9, Schedule G, and on line 17, Form 105. This credit is not refundable for credits carried forward for prior years. If you are carrying forward an alternative fuel vehicle credit from prior years, enter the amount on line 6, Schedule G. See FYI Income 9 for details.

(0033) 2010 FORM 105 COLORADO FIDUCIARY INCOME TAX RETURN

• ☐ Check here if this is an amended return for calendar year 2010 or other tax year beginning _____, 2010, ending _____, 20____

| | | | | |
|-------------------------|------|-------|-----|------------------------------|
| Name of estate or trust | | | | Colorado account number |
| Name of fiduciary | | | | Federal employer I.D. No. |
| Address | City | State | ZIP | Date estate or trust created |

With respect to the tax year, did or will the estate or trust distribute more than \$1,000 in Colorado source income to nonresident beneficiaries? (check one) ☐ yes ☐ no

MAIL TO:

Colorado Department of Revenue Denver CO 80261-0006

If you do not need a fiduciary booklet mailed to you next year, check this box • ☐

| | | | |
|---|------|-----|---|
| 1. Federal taxable income, Line 22, federal Form 1041 | • 1 | | .00 |
| 2. Additions to federal taxable income, explain | | | |
| 3. Subtractions from federal taxable income, explain | • 2 | .00 | ROUND ALL AMOUNTS TO THE NEAREST DOLLAR. |
| | • 3 | .00 | |
| 4. Net modifications, Line 2 minus Line 3 | 4 | .00 | |
| 5. Net modifications allocated to beneficiaries | • 5 | .00 | |
| 6. Net modifications allocated to the estate or trust, Line 4 minus Line 5 | 6 | | .00 |
| 7. Colorado taxable income of the estate or trust, Line 1 plus or minus Line 6 | 7 | | .00 |
| 8. Normal Tax, 4.63% of the amount on Line 7. Nonresident estates or trusts enter tax from Line 8, Schedule E | • 8 | | .00 |
| 9. Alternative minimum tax from Line 8, Schedule F | • 9 | | .00 |
| 10. Total of Lines 8 and 9 | 10 | | .00 |
| 11. Credits from Line 7, Schedule G | • 11 | | .00 |
| 12. Gross conservation easement credit | • 12 | | .00 |
| 13. Total of Lines 11 and 12—Total credits may not exceed Line 10 | 13 | | .00 |
| 14. Net tax, Line 10 minus Line 13 | 14 | | .00 |
| 15. Estimated tax payments and credits | • 15 | | .00 |
| 16. Colorado income tax withheld from wages | • 16 | | .00 |
| 17. Refundable Alternative Fuel Vehicle Credit | • 17 | | .00 |
| 18. Total of Lines 15 through 17 | 18 | | .00 |
| 19. Penalty, also include on Line 21 if applicable | • 19 | | .00 |
| 20. Interest, also include on Line 21 if applicable | • 20 | | .00 |
| 21. If amount on Line 14 exceeds amount on Line 18, enter amount owed. (Make checks payable to Colorado Department of Revenue) or pay online: www.colorado.gov/paytax | • 21 | | .00 |
| 22. If Line 18 is larger than Line 14, enter overpayment | 22 | | .00 |
| 23. Overpayment to be credited to 2011 estimated tax | • 23 | | .00 |
| 24. Overpayment to be refunded | • 24 | | .00 |



Routing number Type: ☐ Checking ☐ Savings

Account number

May the Colorado Department of Revenue discuss this return with the paid preparer shown below (see instructions)? ☐ Yes ☐ No

I declare under penalty of perjury in the second degree, that this return is true, correct and complete to the best of my knowledge and belief. Declaration of preparer is based on all information of which the preparer has any knowledge.

| | | | |
|--|------|--|------|
| (Signature of fiduciary or officer representing fiduciary) | Date | Person or firm preparing return (Name and telephone #) | Date |
|--|------|--|------|

The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.

NOTE: IF ANY INCOME DISTRIBUTION DEDUCTION WAS CLAIMED FOR FEDERAL TAX PURPOSES, **THIS PAGE MUST BE COMPLETED.****SCHEDULE A—NAMES AND ADDRESSES OF BENEFICIARIES**—Use lines (a) through (f) for resident beneficiaries(a)
(b)
(c)
(d)
(e)
(f)

— Use lines (g) through (l) for nonresident beneficiaries

(g)
(h)
(i)
(j)
(k)
(l)**SCHEDULE B**—Computation of the shares of the Colorado fiduciary adjustment. The Colorado fiduciary adjustment is to be allocated among the beneficiaries and the fiduciary in proportion to their share of the federal distributable net income.**SCHEDULE C**—Computation of the percentage of federal distributable net income from Colorado sources for use in Schedule D, columns 7 and 8, in determining the modified federal income reportable to Colorado by nonresident beneficiaries.

| Beneficiary as per schedule A | Share of federal distributable net income | | | 1. Per Federal Form 1041 | 2. From Colorado Sources |
|-------------------------------------|---|---------|--|-----------------------------|-----------------------------|
| | Amount | Percent | | | |
| (a) | \$ | % | 1. Dividends..... | \$ | \$ XXXXXXXXXXXXX |
| (b) | | % | 2. Interest (Include exempt interest) | | XXXXXXXXXXXXXX |
| (c) | | % | 3. Partnership/Fiduciary income.... | | |
| (d) | | % | 4. Net rents and royalties..... | | |
| (e) | | % | 5. Net profit (loss) business..... | | |
| (f) | | % | 6. Other income..... | | |
| (g) | | % | 7. Total lines 1 through 6..... | \$ | \$ |
| (h) | | % | 8. Expenses..... | | |
| (i) | | % | 9. Federal distributable net income. | \$ | \$ |
| (j) | | % | | | |
| (k) | | % | | | |
| (l) | | % | | | |
| Subtotal | \$ | % | | | |
| Fiduciary | | % | | | |
| Total | \$ | 100% | 10. Percent of federal distributable net income from Colorado sources: (Line 9, column 2 divided by line 9, column 1) _____ % | | |

SCHEDULE D—BENEFICIARIES SOCIAL SECURITY NUMBERS, INCOME, MODIFICATIONS AND WITHHOLDING

| 1. Resident Beneficiary's Social Security Number | | | 2. Federal Fiduciary Income | 3. Schedule B Percentage | 4. Fiduciary Adjustment |
|--|--|--|-----------------------------|--------------------------|-------------------------|
| (a) | | | \$ | % | \$ |
| (b) | | | \$ | % | \$ |
| (c) | | | \$ | % | \$ |
| (d) | | | \$ | % | \$ |
| (e) | | | \$ | % | \$ |
| (f) | | | \$ | % | \$ |

| 5. Nonresident Beneficiary's Social Security Number | 6. Federal Distributable Net Income | 7. Schedule C Percentage | 8. Income Reportable to Colorado | 9. Colo. Withholding Required 4.63% of Column 8 |
|---|-------------------------------------|--------------------------|----------------------------------|---|
| (g) | \$ | % | \$ | \$.00 |
| (h) | \$ | % | \$ | \$.00 |
| (i) | \$ | % | \$ | \$.00 |
| (j) | \$ | % | \$ | \$.00 |
| (k) | \$ | % | \$ | \$.00 |
| (l) | \$ | % | \$ | \$.00 |

Schedule E—Part-Year Resident/Nonresident Estate or Trust Apportionment Schedule

| | | FEDERAL COLUMN | | COLORADO COLUMN | |
|--|---|----------------|-----|-----------------|-----|
| 1. Income, specify type _____ | | | .00 | | .00 |
| _____ | | | .00 | | .00 |
| _____ | | | .00 | | .00 |
| _____ | | | .00 | | .00 |
| _____ | | | .00 | | .00 |
| _____ | | | .00 | | .00 |
| _____ | | | .00 | | .00 |
| Total Income | 1 | | .00 | | .00 |
| 2. Deductions, specify _____ | | | .00 | | .00 |
| _____ | | | .00 | | .00 |
| _____ | | | .00 | | .00 |
| _____ | | | .00 | | .00 |
| _____ | | | .00 | | .00 |
| _____ | | | .00 | | .00 |
| Total Deductions | 2 | | .00 | | .00 |
| 3. Taxable income, line 1 minus line 2..... | 3 | | .00 | | .00 |
| 4. Modifications from line 6, Form 105 | 4 | | .00 | | .00 |
| 5. Modified taxable income, line 3 plus or minus line 4 | 5 | | .00 | | .00 |
| 6. Amount on line 5, Colorado column divided by amount on line 5, federal column | 6 | | | | % |
| 7. 4.63% of the amount on line 7, Form 105 | 7 | | | | .00 |
| 8. Amount on line 7 multiplied by percentage on line 6, enter here and on line 8, Form 105.... | 8 | | | | .00 |

Schedule F—Fiduciary Alternative Minimum Tax Computation Schedule

| | | FEDERAL COLUMN | | COLORADO COLUMN | |
|--|---|----------------|-----|-----------------|-----|
| 1. Fiduciary's share of federal alternative taxable income minus federal AMT exemption | 1 | | .00 | | .00 |
| 2. Modifications from line 6, Form 105 | 2 | | .00 | | .00 |
| 3. Line 1 plus or minus line 2..... | 3 | | .00 | | .00 |
| 4. 3.47 % of the amount on line 3, federal column | 4 | | .00 | | |
| 5. Part-year/Nonresident estate or trust only , amount on line 3, Colorado column divided by amount on line 3, federal column..... | 5 | | | | % |
| 6. Part-year/Nonresident estate or trust only , amount on line 4 multiplied by percentage on line 5..... | 6 | | | | .00 |
| 7. Enter normal tax from line 8, Form 105 | 7 | | | | .00 |
| 8. Resident estate or trust enter amount by which line 4 exceeds line 7. Nonresident estate or trust enter amount by which line 6 exceeds line 7. Enter here and on line 9, Form 105 | 8 | | | | .00 |

Schedule G—FIDUCIARY CREDIT SCHEDULE

1. Credit for income tax paid to the state of _____
 Compute a separate credit for each state. Attach a copy of the tax return filed with the other state.

| | | | |
|---|------|--|-----|
| (a) Total tax from line 10, page 1, Form 105 | 1(a) | | .00 |
| (b) Modified federal taxable income from sources in the other state | 1(b) | | .00 |
| (c) Total modified federal taxable income | 1(c) | | .00 |
| (d) Amount on line 1(b) divided by amount on line 1(c) | 1(d) | | % |
| (e) Amount on line 1(a) multiplied by percentage on line 1(d) | 1(e) | | .00 |
| (f) Tax liability to other state | 1(f) | | .00 |
| (g) Allowable credit the smaller of lines 1(e) or line 1(f) | 1(g) | | .00 |

2. Dual Resident Trust Credit for the state of _____
 Attach a copy of the tax return filed with the other state.

| | | | |
|---|------|--|-----|
| (a) Colorado tax on income subject to tax in both states | 2(a) | | .00 |
| (b) Other state's effective tax rate | 2(b) | | % |
| (c) Total of both states' tax rates, line 2(b) plus 4.63% | 2(c) | | % |
| (d) Percentage of credit, line 2(b) divided by line 2(c) | 2(d) | | % |
| (e) Total credit, line 2(a) multiplied by percentage on line 2(d) | 2(e) | | .00 |

3. Credit for prior year alternative minimum tax. See instructions 3
- | | | | |
|--|--|--|-----|
| | | | .00 |
|--|--|--|-----|

4. Enterprise zone credits: Attach a copy of certification if required.

| | | | |
|---|------|--|-----|
| (a) Enterprise zone investment tax credit | 4(a) | | .00 |
| (b) Enterprise zone new business facility employee credit | 4(b) | | .00 |
| (c) Enterprise zone employee health insurance credit | 4(c) | | .00 |
| (d) Enterprise zone administrator contribution credits | 4(d) | | .00 |
| (e) Other enterprise zone credits, attach computation | 4(e) | | .00 |

5. Other credits, explain: 5
- | | | | |
|--|--|--|-----|
| | | | .00 |
|--|--|--|-----|

6. Nonrefundable alternative fuel vehicle credit carried forward from prior year 6
- | | | | |
|--|--|--|-----|
| | | | .00 |
|--|--|--|-----|

7. Total credits. Add lines 1(g), 2(e), 3, 4(a) through 4(e), 5 and 6.
 Enter here and on line 11, Form 105..... 7
- | | | | |
|--|--|--|-----|
| | | | .00 |
|--|--|--|-----|

8. Gross conservation easement credit. Attach a copy of Form 1305.
 Enter here and on line 12, Form 105 8
- | | | | |
|--|--|--|-----|
| | | | .00 |
|--|--|--|-----|

9. Refundable 2010 alternative fuel vehicle credit. Enter here and on line 17, Form 105..... 9
- | | | | |
|--|--|--|-----|
| | | | .00 |
|--|--|--|-----|

CREDITS TO BE CARRIED FORWARD TO 2011:

LIMITATION: Most credits reported on this Schedule G are non-refundable. Consequently, the total credits utilized from this schedule may not exceed the total tax reported on Line 10 of your income tax return, Form 105. Enter on Lines 1(a) through 8 only the amount(s) of the credit(s) to be applied against your 2010 liability. Most unused 2010 credits can be carried forward to tax year 2011. If the total credits available exceed the total tax due for 2010, list the credit type(s) and excess amount(s) above under "Credits to be Carried Forward to 2011."

FIDUCIARY'S COPY OF PAGE ONE, FORM 105, LINES 1-24

2010

| | | | |
|---|------|-------------------------|---|
| Name of estate or trust | | Colorado account number | |
| 1. Federal taxable income, Line 22, federal Form 1041 | • 1 | | .00 |
| 2. Additions to federal taxable income, explain | • 2 | .00 | ROUND ALL AMOUNTS TO THE NEAREST DOLLAR. |
| 3. Subtractions from federal taxable income, explain | • 3 | .00 | |
| 4. Net modifications, Line 2 minus Line 3 | 4 | .00 | |
| 5. Net modifications allocated to beneficiaries | • 5 | .00 | |
| 6. Net modifications allocated to the estate or trust, Line 4 minus Line 5 | 6 | | .00 |
| 7. Colorado taxable income of the estate or trust, Line 1 plus or minus Line 6 | 7 | | .00 |
| 8. Normal Tax, 4.63% of the amount on Line 7. Nonresident estates or trusts enter tax from Line 8, Schedule E | • 8 | | .00 |
| 9. Alternative minimum tax from Line 8, Schedule F | • 9 | | .00 |
| 10. Total of Lines 8 and 9 | 10 | | .00 |
| 11. Credits from Line 7, Schedule G | • 11 | | .00 |
| 12. Gross conservation easement credit | • 12 | | .00 |
| 13. Total of Lines 11 and 12—Total credits may not exceed Line 10 | 13 | | .00 |
| 14. Net tax, Line 10 minus Line 13 | 14 | | .00 |
| 15. Estimated tax payments and credits | • 15 | | .00 |
| 16. Colorado income tax withheld from wages | • 16 | | .00 |
| 17. Refundable alternative fuel vehicle credit | • 17 | | .00 |
| 18. Total of Lines 15 through 17 | 18 | | .00 |
| 19. Penalty, also include on Line 21 if applicable | • 19 | | .00 |
| 20. Interest, also include on Line 21 if applicable | • 20 | | .00 |
| 21. If amount on Line 14 exceeds amount on Line 18, enter amount owed. (Make checks payable to Colorado Department of Revenue) or pay online: www.colorado.gov/paytax | • 21 | | .00 |
| 22. If Line 18 is larger than Line 14, enter overpayment | 22 | | .00 |
| 23. Overpayment to be credited to 2011 estimated tax | • 23 | | .00 |
| 24. Overpayment to be refunded | • 24 | | .00 |

DETACH FORM
ON THIS LINE

Be sure to round your payment to the nearest dollar. The amount on the check and the amount entered on the payment voucher must be the same. This will help maintain accuracy in your tax account.

▼ RETURN ONLY THE LOWER PORTION OF THIS PAGE WITH YOUR PAYMENT ▼

(0068)

Form 104BEP (09/21/10)
COLORADO DEPARTMENT OF REVENUE
www.TaxColorado.com
2010 Colorado Nonresident Beneficiary
Estimated Income Tax Payment Voucher
Payment for Nonresident Beneficiary—See Instructions on Page 3

70

For tax period _____, ending _____.

Return this voucher with check or money order payable to the Colorado Department of Revenue, Denver, Colorado 80261-0008. Write the beneficiary's social security number and "2010 Form 104BEP" on the check or money order. Do not send cash. File only if you are making a payment. Submit a separate check or money order for each document. Payment is due at the time the income is distributed.

| | | | |
|-------------------------|-------|-------------------------------|--|
| Beneficiary's Last Name | | First Name and Middle Initial | |
| Address | | Social Security Number | |
| City | State | ZIP | |

IF NO PAYMENT IS DUE, DO NOT FILE THIS FORM.

The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.

Amount of Payment

(Do not write in space below)

(08)

\$

.00

Example of the computation of Fiduciary Colorado tax, resident beneficiary's Colorado Fiduciary adjustment, and nonresident beneficiary's Colorado source income.

The federal Form 1041 for the John Smith estate showed the following items of income and deduction:

| | |
|--|----------------|
| 1. Interest income | \$32,614 |
| 2. Dividends..... | 4,800 |
| 5. Net rent income (Colo.) | <u>16,832</u> |
| 9. Total income | \$54,246 |
| 12. Fiduciary Fees..... | \$6,000 |
| 14. Accountant's Fee..... | <u>1,500</u> |
| 16. Total | <u>\$7,500</u> |
| 17. Adjusted total income | \$46,746 |
| 18. Income distribution deduction..... | \$34,189 |
| 20. Exemption | <u>600</u> |
| 21. Total | \$34,789 |
| 22. Taxable income | \$11,957 |

The estate also had \$2,476 in non-Colorado municipal bond interest income during the tax year. \$24,000 was distributed to Alice Smith, a Colorado resident and \$12,000 to John Smith, Jr., a nonresident of Colorado. The estate had \$8,700 in U. S. Government interest.

The shares of the federal distributable net income are as follows:

| | | |
|-------------------|---------------|---------------|
| Alice Smith | \$24,000 | 48.76% |
| John Smith, Jr | 12,000 | 24.38% |
| John Smith Estate | <u>13,222</u> | <u>26.86%</u> |
| Totals | \$49,222 | 100.00% |

The Colorado tax of the estate is determined as follows:

| | |
|---|----------|
| 1. Federal taxable income..... | \$11,957 |
| 2. Modifications increasing federal income: | |
| Local bond interest | \$2,476 |

3. Modifications decreasing federal income:

| | |
|---|------------------|
| Federal bond interest..... | \$8,700 |
| 4. Net modifications..... | <u>\$(6,224)</u> |
| 6. Allocated to the estate @ 26.86% | \$(1,672) |
| 7. Taxable income | \$10,285 |
| 8. Tax..... | \$476 |

Alice Smith's share of the Colorado fiduciary adjustment is computed as follows:

| | |
|--|--------------|
| Share of local bond interest @ 48.76%..... | \$1,207 |
| Share of U. S. interest @ 48.76% | <u>4,242</u> |
| Net modification..... | \$(3,035) |

John Smith, Jr's income reportable to Colorado is determined as follows:

| | |
|--|----------|
| Share of distributable net income..... | \$12,000 |
| From Colorado sources at 29.67%..... | \$3,561 |

Colorado source income is computed as follows:

| | |
|-----------------------------------|----------|
| Rental income (Colorado) \$16,832 | |
| Total income \$56,722 | = 29.67% |

This can be verified as follows:

| | |
|--|-----------|
| John, Jr's. share of income \$12,000 | |
| Distributable net income \$49,222 | = 24.38% |
| Share of rental income \$16,832 x 24.38% | = \$4,104 |
| Share of fees \$7,500 x 24.38% x 29.67%* | = 543 |
| Net Colorado income | \$3,561 |

* Share of fees allocated to rental income